



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

TJR
Docket No: 3661-02
15 November 2002



This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 13 November 2002. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Marine Corps on 7 April 1970 at the age of 18. You served without disciplinary incident until 20 April 1971, when you received nonjudicial punishment (NJP) for absence from your appointed place of duty and were awarded a \$40 forfeiture of pay and restriction for seven days. On 8 June 1971 you received NJP for a 20 day period of unauthorized absence (UA). The punishment imposed was reduction to paygrade E-2, a \$100 forfeiture of pay, and suspended correctional custody. On 13 September 1971 you received NJP for an eight day period of UA and were awarded reduction to paygrade E-1 and the suspended correctional custody awarded at the 8 June 1971 NJP was vacated. Approximately three months later, on 6 December 1971, you were convicted by summary court-martial (SCM) of absence from your appointed place of duty. You were sentenced to correctional custody for 20 days and a \$170 forfeiture of pay.

On 25 July and again on 17 October 1972 you received NJP for possession of drug paraphernalia and absence from your appointed place of duty.

On 31 October 1973 you were convicted by special court-martial (SPCM) of wrongful appropriation and two periods of UA totalling 164 days. You were sentenced to confinement at hard labor for three months, a \$300 forfeiture of pay, and a bad conduct discharge (BCD). Subsequently, you submitted a written request for immediate execution of the BCD. After the BCD was approved at all levels of review, you were so discharged on 16 May 1975.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity and your contentions that the BCD was unfair and that you only received it because you had borrowed money from your cash box and were punished as an example to other Marines. Nevertheless, the Board concluded these factors and contentions were not sufficient to warrant recharacterization of your discharge because of your repetitive misconduct, to include drug related infractions and frequent and lengthy periods of UA. Further, there is no evidence in the record, and you submitted none, to support your contentions. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director